

COUNTER SHOWING OF THE STATE.

GROUND 1.

W. A. GHEESLING, Sworn for the State. I am the undertaker who took charge of the body of Mary Phagan and swore upon the trial of the case of the State of Georgia vs. Leo M. Frank and Jim Conley. On Sunday morning, April 27, 1913, one of the first things that I did was to clean up the body of Mary Phagan, and among other things I washed her hair thoroughly with pine tar soap. The effect of pine tar soap on hair is always to change the color of the same, and as a matter of fact the washing of Mary Phagan's hair with the pine tar soap did change the color of Mary Phagan's hair. It rendered the hair lighter. This change was very perceptible to the eye. The effect of washing the hair with pine tar soap was not only to cut out the dirt that gathered in the same, but also took out and off of the hair all of the oil which is usually found on the hair of living persons. Mary Phagan was buried on Tuesday following the day that I washed her hair. I have been an undertaker for eighteen years, and I personally know that it frequently happens that hair on dead persons' heads grows both in length and size.

J.W. COLEMAN, Sworn for the State. I am the husband of Mrs. Fannie Coleman. Mrs. Fannie Coleman was the mother of Mary Phagan, who was killed at the National Pencil Factory. I am the step father of Mary Phagan. I have known Mary Phagan for about four years before her death, and she lived with me and her mother in our home, from the time of our marriage up to the time of her death. I saw the hairs which were taken from the lathe handle in the pencil factory. I saw them at the City Police Headquarters. They were exhibited to me by city detective Black. The hair exhibited to me by officer Black resembled in every way, that I could tell by the naked eye the hair of Mary Phagan. I looked at the hair closely and did my best to arrive a true conclusion, and to the best of my knowledge and belief, the hair exhibited to me by officer Black, as the hair recovered from the lathe in the factory, was the hair of Mary Phaga [sic], my step-daughter, who was killed at the factory. This hair was exhibited to me a few days after the killing.

JOHN R. BLACK, Sworn for the State. I am the party referred to in the above affidavit of Mr. John W. Coleman, and that I did so exhibit the hairs recovered from the factory and delivered to me as the hairs recovered by Barrett on the lathe at the National Pencil Companu [sic], and the hairs examined by said J.W. Coleman are the same hairs recovered and said J.W. Coleman did as above indicated state upon examining said hairs at the City Police headquarters, that to the best of his knowledge and belief they were the hairs of Mary Phagan, who was killed. These hairs examined and referred to in the above affidavit of Mr. Coleman are the same hairs that were delivered to Dr. Harris at the State Capitol, I being present when said hairs were delivered to Dr. Harris.

MRS L. L. ARMSTRONG, Sworn for the State. I am the proprietor of the Sanitary Hairdressing School at 100½ Whitehall Street. During the many years experience I have had in the business of hairdressing and dealing in human hair I have examined hundreds of specimens of hair and know it to be an established fact that hair from the same head often varies widely, both in color and in texture. As a general rule samples of hair taken from the ends of a long strand of hair are of a lighter shade than samples taken from closer to the base. It is also a fact that a small sample of hair, consisting of only a few strands, when compared with a larger sample, of hair from the same head, will almost always look lighter in color, especially if the hair is of a light shade. Attached hereto is a small sample of hair which I myself cut from a persons head today. Examination of this sample shows that one end is much brighter in color than the other end, the light colored end (a slightly reddish color) being the extremity of the hair and the darker brown colored being the end next [to] the scalp. I have seen many cases like this, and some in which the variation in color was even more marked than this.

(Attached to the affidavit is the hair referred to therein)

MISS JIMMIE MAYFIELD, Sworn for the State. I am employed at the National Pencil Company and have been there about a year and a half.

I have read ground #2 of the extraordinary motion for new trial in the above case and they have me quoted as saying "the said Jimmie Mayfield

now states positively that the hair showed to her by the said Barrett, was not the hair of Mary Phagan, and that the same was entirely too light in color and was not of the same texture as that of Mary Phagan." This statement is false and untrue. I did not say positively that it was not Mary Phagan's hair, for I did not know, and do not know now. I did say that the hair Mr. Barrett showed me was too light for Mary's hair, but I could not say positively that it wasn't her hair. I have read the foregoing statement which I made in the presence of officers J.N. Starnes, and Pat Campbell and my father and mother, Mr. and Mrs. S. I. Mayfield.

MRS. CORA FALTA, Sworn for the State. I have been working at the National Pencil Company's factory for five years. One Monday, April 28, 1913, we were all at work and Magnolia Kennedy come running in the room and said "we have found some of Mary's hair on the lathe machine" and we all quit work and went out there and looked at it. I just did take a look at it and then walked away, and I could not say how many strands of hair were on the machine, and I said "Mary's hair was kind of dark and that hair looks light", and then I walked away. That is all I said about it. About ten days ago, Mr. Burke come down to the National Pencil Company to get me to sign an affidavit regarding the color and texture of Mary Phagan's hair, and he had the affidavit written out when he came, and he read it to me, and that affidavit quoted me as saying that "I would swear positively that the hair found on that lathe machine was not Mary Phagan's because it was too light and not of the same texture as Mary Phagan's hair" and I told Mr. Burke right then that I did not say positively it wasn't Mary Phagan's hair, because I didn't know whether it was or not, and I told Mr. Burke he would have to take that part of it out, and he said that was all right, that they would fix that all right. When I told Mr. Burke to scratch out that part of it, about swearing positively it wasn't Mary Phagan's hair, that big man, whom I have since learned is Mr. Lehon, he came right to me and said "Oh, no, of course not, none of us can say positive, but we will fix that all right". I held up my hand and swore to this affidavit when they said they would scratch out that part I told them to. I did not know then and I do not know now whether that was Mary Phagan's hair which was found on the lathe. I have just been shown a copy of the extraordinary motion for a new trial in the above stated case, and in ground #3. pages 5

and 6, they have me quoted as saying "positively that the hair on said lathe was not the hair of Mary Phagan, and that the same was entirely too light in color and not of the same texture". This statement is absolutely false and untrue.